

REMARKS

Claims 8-26 are now pending in the application. Claims 8-23 and 26 are rejected. Claims 12, 24 and 25 are objected to. Claims 8, 12, 17, 18, 21 and 24 have been amended. Reconsideration of the objections and rejections set forth in the aforementioned Office Action is respectfully requested in view of the following remarks.

INTERVIEW SUMMARY

The Applicants would like to thank the Examiner for the courtesies extended to their representative, Donald G. Walker, during a telephonic interview conducted on October 21, 2009. During the interview, proposed amendments to claims 8, 17 and 21 were discussed in view of the objections and claim rejections made by the Examiner. During the interview, the Examiner indicated that the proposed amendment to claim 8 would overcome the presently pending §102 rejection. Similarly, the Examiner indicated that the proposed amendments to claims 17 and 21 would overcome the §103 rejections based on the art of record as currently applied.

CLAIM OBJECTIONS

Claim 12 is objected to because of certain informalities. The Applicants have amended claim 12 to depend from claim 11.

REJECTION UNDER 35 U.S.C. § 112

Claims 17-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention.

Claims 17 and 18 have been amended to clarify the claims. Withdrawal of the §112 rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claim 8 is rejected under 35 U.S.C. §102(b) as being anticipated by Lewis (US 3,370,477).

The Applicants have amended claim 8 to note that the finger radially extends through the spring accumulator, in combination with the other elements of claim 8. The Applicants respectfully submit that Lewis does not disclose each and every element of the transmission defined by currently amended claim 8. Accordingly, the Applicants respectfully request withdrawal of the §102 rejections.

When determining whether claim 8 is to be rejected under § 103 in view of the remaining references cited by the Examiner, the Applicants wish to submit that claim 8 is not obvious in view of the references currently cited by the Examiner, either solely or in combination with one another. In particular, the Applicants would like to point out that claim 8 defines a transmission having a sleeve supported on a shaft having a finger radially outwardly extending from the shaft. The sleeve includes a groove in receipt of the finger such rotation of the shaft causes axial translation of the sleeve. A spring accumulator is acted upon by the sleeve to transfer a load to the shift fork.

A compact transmission arrangement is provided by having the finger radially extending through the spring accumulator. Furthermore, the Applicants would like to point out that the spring accumulator of claim 8 acts on the sleeve to transfer a load to the shift fork. The spring of Lewis acts on a sleeve to engage cam 62 with pin 70. Spring 22 of Lewis is not acted upon by a sleeve to transfer a load to the shift fork. Spring 22 acts in the opposite direction. Accordingly, the Applicants respectfully request the Examiner to indicate that claims 8-16 are in condition for allowance.

REJECTION UNDER 35 U.S.C. §103

Claims 9-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Smith (US 6,619,153). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis as applied to claim 8 above, and further in view of Baasch (US 2002/0062706).

The Applicants respectfully rely on the arguments and amendments previously set forth relating to claim 8. The Applicants respectfully submit that none of the references cited by the Examiner, either solely or in combination with one another, render claims 9-16 as obvious. In particular, the Applicants respectfully submit that none of the references disclose the compact arrangement of transmission components defined by claims 8-16. More specifically, these claims call for a sleeve supported on a shaft including a groove in receipt of a finger such that rotation of the shaft causes translation of the sleeve. A spring accumulator is acted upon by the sleeve to transfer a load to the shift fork and the finger radially extends through the spring accumulator. The Applicants respectfully submit that none of the references disclose a finger extending outwardly from a shaft extending through a spring accumulator.

Furthermore, no reason exists to modify Lewis to provide a spring accumulator that is acted upon by a sleeve to transfer a load to the shift fork because spring 22 of Lewis acts to bias cam 62 into engagement with pin 70. Spring 22 of Lewis acts in a direction opposite the direction useful for providing the function defined by claim 8. Accordingly, the Applicants respectfully submit that Lewis teaches away from a combination of Smith et al. and Lewis. This argument is further bolstered by Figure 2 of Lewis where pins 76 and 78 are positioned within grooves 86 and 88 instead of being

positioned adjacent end cam faces 62 and 64 as shown in Figure 1. It should be noted that no spring is present within the arrangement of Figure 2 where a pin is in a groove. The fact that pins 76 and 78 are bounded on both sides of the groove alleviates the need for a biasing spring as used by Lewis. One skilled in the art would not be provided with a teaching, suggestion or motivation to combine Lewis with Smith et al. outside of the teachings of the present application. The Applicants respectfully remind the Examiner that hindsight reasoning using the Applicants' own disclosure as a reason to combine prior art references is improper. Accordingly, the Applicants respectfully request withdrawal of the §103 rejections to claims 9-16.

Claims 17-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis (US 3,370,477) in view of Smith (US 6,619,163). Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Smith as applied to claim 19 above, and further in view of Reinhardt et al. (US 4,070,914) and Baasch (US 2002/0062706).

Regarding claims 17-20, the Applicants respectfully submit that none of the references cited by the Examiner, either solely or in combination with one another, render amended claim 17 as obvious. Amended claim 17 calls for spring portions radially extending beyond spaced apart wings of a holding yoke that are in engagement with a housing portion of an axially translatable shift member, in combination with the other elements of claim 17. None of the references teach or suggest a spring including portions radially extending beyond wings in engagement with the housing portion. The Applicants also rely on the arguments previously set forth relating to claim 8 regarding Lewis and Smith et al. being an improper combination. Furthermore, no teaching,

suggestion or motivation exists to replace the non-rotatable shift rail 70 of Smith et al. with a rotatable shaft as is required by claim 17. The Applicants respectfully submit that the Examiner is not allowed to pick and choose certain elements of the prior art combining them in a manner where they no longer perform the function as within the original context.

Claims 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Smith. Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Smith as applied to claim 21 above, and further in view of Baasch.

The Applicants have amended claim 21 to note that the holding yoke includes spaced apart wings connected to end regions of the sleeve, in combination with the other elements of claim 21. The Applicants respectfully submit that none of the references cited by the Examiner, either solely or in combination with one another, render amended claim 21 as obvious. The Applicants respectfully submit that amended claim 21 includes the substantive limitations of previously pending claim 4 that was indicated as being allowable. The Applicants respectfully request withdrawal of the §103 rejections to claims 21-23 and 26.

ALLOWABLE SUBJECT MATTER

The Examiner states that claim 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants have rewritten claim 24 in independent form. Accordingly, the Applicants respectfully request withdrawal of the objection to claims 24 and 25.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1222.

Respectfully submitted,

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